



Statement of Matthew Pagano, D.C.
on behalf of the
Connecticut Chiropractic Association
before the
Committee on Public Health
SB 1252
March 5, 2007

Senator Handley, Representative Sayers and Members of the Committee:

My name is Matt Pagano. I am a practicing chiropractor in Winsted CT and I also serve as president of the Connecticut Chiropractic Association, and I am testifying on their behalf today in opposition to SB 1252, *An Act Requiring Informed Consent for Chiropractic Treatment*

While it is appropriate for this body to concern itself with issues of public safety and the treatment rendered by health care providers in the state of Connecticut, I feel that this proposal is misdirected at a profession which has an exemplary safety record.

Any dispassionate discussion of written informed consent as it pertains to a certain procedure should necessarily include a discussion of the risk associated with that procedure and how that risk compares with other procedures across the health care spectrum. The current literature puts the risk at cerebro-vascular accident from manipulation of the cervical spine at approximately 1 in 3 million patient encounters. In comparison, the acceptable risk from pharmaceutical intervention, depending on the drug, may be even higher. For an individual who uses NSAIDS for greater than 3 consecutive months, the risk of death from a spontaneous gastrointestinal bleed is 400 in 100000. The medical profession uses a threshold of 1 in 400000 before they deem something "high risk." The important point here is, in the state of Connecticut, regardless of the risk involved, written informed consent for any procedure, by any profession, has never been mandated.

In years past, waiting to testify before this committee, I have heard testimony from obstetricians and anesthesiologists who reference malpractice premiums in excess of \$120,000 per year. The average malpractice premium for a practicing chiropractor in this state is \$3000 per year. If our means of treatment was inherently high risk one would assume our malpractice rates would be correspondingly high. In Connecticut, the number of malpractice cases against chiropractors used to average six claims per year. About five years ago, the average dropped to three claims per year. In 2006, there was one claim.

Another important point to understand is that the performance of cervical manipulation is not exclusive to chiropractic. Other physician level health care providers including MDs, Osteopaths, and Naturopaths all have spinal manipulation within their scope of practice. Non physician level providers such as physical therapists manipulate the spine in the course of rendering their treatment. They should be included in this bill.

In summary, we do not oppose the concept of written informed consent. Such a practice is in the best interest of the patient and I assure you that our association's written protocol is to encourage our members to utilize patient consent. The question of informed consent must be had in a context however. If we are here today to discuss the notification of relative risk to the patient, then any procedure in the delivery of health care today by any profession that has a higher risk established in the literature than spinal manipulation should also require written informed consent.

Thank you for giving me the opportunity to testify today. I would be pleased to answer any questions you might have.